

**TOWN OF NORTH EAST  
TOWN BOARD  
REGULAR MEETING  
AUGUST 13, 2020**

**Councilpersons present:**

Supervisor Christopher Kennan  
Councilman Ralph Fedele  
Councilman George Kaye  
Councilman John Midwood  
Councilwoman Lana Morrison

**Councilpersons absent:**

*The August 13, 2020 meeting was held live and by Zoom web conference at the North East-Millerton Library Annex.*

**Call to Order & Pledge of Allegiance:**

Supervisor Kennan called the meeting to order at 7:02 p.m. and followed with the Pledge of Allegiance.

**Roll Call:**

Supervisor Kennan asked Clerk Wheeler for a roll call of Town Board members.

COUNCILMAN FEDELE:	HERE
COUNCILMAN KAYE:	HERE
SUPERVISOR KENNAN:	HERE
COUNCILMAN MIDWOOD:	HERE
COUNCILWOMAN MORRISON:	HERE

A quorum was present.

**RESOLUTION #1322020  
Amend the August 13, 2020 Meeting Agenda**

**RESOLVED**, to amend the agenda by removing the resolution introducing a local law to exceed the tax cap and adding a resolution to authorize the Supervisor to sign the contract with Dutchess County for participation in the County's snow/ice control program.

Motion by Councilwoman Morrison and seconded by Councilman Kaye.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAYS – 0

The Resolution was adopted on August 13, 2020.

**Supervisor's Comments:**

Supervisor Kennan noted a letter in *The Millerton News* commending the Town's highway department for clearing Moadock Road. Storm Esaias left a number of town homes without power for days. Central Hudson was considered to have done a good job and called prepared by calling reinforcements in advance.

Executive Order 202.55.1 was signed by Governor Cuomo extending the authorization for having virtual meetings to September 4, 2020. The County Executive Molinaro stated that authorization is not likely to be extended.

The Budget Committee, comprised of Supervisor Kennan and Councilwoman Morrison, will begin working on the Town's finances for the upcoming budget.

**Department and Committee Reports:**

**Police** – Officer Boyles stated that during the month of July, the Village had 17 incidents resulting in three arrests and the Town had 17 incidents resulting in zero arrests.

**Highway** – Superintendent Stevens stated it is time to advertise for sealed bids for highway materials like sand, gravel, blacktop, fuel, and other items needed for 2021.

**RESOLUTION #1332020**

**Authorize Superintendent Stevens to Request Bids for Highway Materials for 2021.**

**RESOLVED**, to authorize Superintendent Stevens to go out for bids for the items needed for the highway department.

Motion by Councilman Fedele and seconded by Councilwoman Morrison.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAYS – 0

The Resolution was adopted on August 13, 2020.

**Assessor** – Assessor Johnson was present via Zoom for questions.

**Planning, Zoning & Building Dept.** – Reports were submitted to the Town Board

**Town Clerk** – Reports were submitted to the Town Board.

**Town Board Committee Reports:**

**Highway** – Councilman Kaye stated the concrete and blacktop have been completed. In addition, the walls have been started and the framing is up. The next step is waiting on wall and roofing materials to be delivered. The project is on schedule.

**Police Services** – Councilman Fedele mentioned a draft contract has been sent to the Village for review. The State and County are also mandating a series of changes to the police services. The goal is for the best policing practices and set some standards. Eventually, each municipality will hold a public meeting for input by the people. Supervisor Kennan added that the contract has been returned to Town Attorney Replansky and contains a provision for a shared police services oversight committee.

**Recreation** – Councilwoman Morrison stated the Recreation Committee met with Deputy Mayor Najdek to discuss expenses and functions of the Village's recreation department. Recommendations were presented and a draft contract is expected in the near future.

**Zoning Review Committee** – Chairwoman Greenwood stated three planners submitted proposals on time:

- Nan Stolzenburg from Community Planning & Environmental Associates
- Will Agresta from Matthew D. Rudikoff Associates
- Bonnie Franson from Nelson, Pope & Voorhis, LLC

There is a meeting on Monday to discuss a recommendation to present to the Town Board.

Supervisor Kennan mentioned a brochure containing essential information for residents seeking ways to obtain medical help and food assistance and includes contact information for government offices to be mailed out next week. The North East Community Center, Meg Winkler, and Stacey Moore helped in the effort.

**Resolution Introducing a Local Law to Exceed the Tax Cap and to Set a Public Hearing:**

Removed from the agenda at the beginning of the meeting.

**Resolution Authorizing Supervisor to Sign Contract with Dutchess County for Participation in the County Snow and Ice Control Program:**

Councilman Kaye mentioned the Town didn't work with the County every year in the past. There were contracts that were insufficient to cover the Town's costs and the insurance coverage did not completely cover the Town. One year the contract was left open in the hope of prompting the County to improve the contract and he believes this contract is a result and is the best contract in the County.

Clerk Wheeler read the following resolution into the record:

**RESOLUTION #1342020**

**TOWN BOARD OF THE TOWN OF NORTH EAST**

**RESOLUTION AUTHORIZING TOWN SUPERVISOR TO SIGN CONTRACT WITH DUTCHESS COUNTY FOR PARTICIPATION IN THE COUNTY SNOW AND ICE CONTROL PROGRAM**

**WHEREAS**, the Town Superintendent of Highways has been requested by the County of Dutchess to participate in the regional County Highway Snow and Ice Control Program within the boundaries of the Town, and

**WHEREAS**, the County of Dutchess is requesting that the Town enter into a contract with the County for participation in the County Snow and Ice Control Program, and

**WHEREAS**, and logically, an earlier or sooner response factor can be provided by Town units and personnel within the locale thereby benefiting the overall safety and welfare of town residents and local community interest, and

**WHEREAS**, such participation by the Town in removing snow from designated County Highways, and by sanding and salting or otherwise treating them for the purpose of maintaining highway safety and accessibility for emergency services, is specifically authorized by Article 6, Section 135-a of the New York State Highway Law, now, therefore, be it

**RESOLVED**, that the Town Supervisor is authorized to execute a contract for the Town's participation in the County Snow and Ice Control Programs, and the Town Superintendent of Highways is herein authorized to perform such work in accordance with, and to receive payment as outlined in the Town and County contract for the County Snow and Ice Control Program for the Winter season 2020-2021.

Motion by Councilman Kaye and seconded by Councilman Midwood.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)  
NAYS – 0

The Resolution was adopted on August 13, 2020.

**Resolution to Approve Modification of Contract with One Way Construction for New DOT-Approved Entrance to New Highway Garage:**

The contractor originally provided a proposal over \$70,000.00 for excavating, putting in curbs, putting down gravel and asphalt, and installing drainage and drywells. This proposal is over the budget for this project. After meeting with the Town's engineer and Superintendent Stevens, One Way Construction will allow the highway department to do some of the work in an effort to reduce the cost. The revised proposal from the contractor is in the amount \$36,006.50.

**RESOLUTION #1352020**

**Approve Modification of Contract with One Way Construction for New DOT-Approved Entrance to New Highway Garage**

**RESOLVED**, to accept the proposed change order from One Way Construction Services, Inc. for access to the new highway garage site on Route 22 and to authorize CPL Associates to formalize the change order documents.

Motion by Councilman Kaye and seconded by Councilman Fedele.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAYS – 0

The Resolution was adopted on August 13, 2020

**Motion to Approve Purchase of Electric Interface for Emergency Generator for Fueling Facility:**

Supervisor Kennan stated the fueling tanks and fuel distribution system are in place and operational. A generator needs to be installed for power outages. The Town has been given a large generator to power the whole complex, but in the meantime, something is needed to power the facility now. Supervisor Kennan is donating a generator to the Town for this purpose; however, a 200 amp fuse manual transfer switch and the labor to install the switch. There is a proposal from One Way Construction in the amount of \$6,681.50.

**RESOLUTION #1362020**

**Approve Purchase of Electric Interface for Emergency Generator for Fueling Facility**

**RESOLVED**, to accept the proposed change order from One Way Construction Services, Inc. for furnishing and installing the 200 amp fuse manual transfer switch and authorizing CPL Associates to formulate the change order documents.

Motion by Councilman Fedele and seconded by Councilman Kaye.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAYS – 0

The Resolution was adopted on August 13, 2020

Supervisor Kennan stated if the Town, in the meantime, finds an electrician who works with the Town and is able to perform that same service at a lower price, the Town will not hesitate to go in that direction. However, he would like to add this authorization to work with One Way Construction in case the Town can't find someone else to do the work.

**Resolution to Review New Bond Anticipation Note:**

Supervisor Kennan stated a resolution was not required as the resolution to authorize the bond anticipation note (BAN) was done at the last meeting. The documents have been received for the new BAN. The amount of the new note is \$440,000. The amount of the previous note was \$454,000 at an interest rate of 2.15%. This will roll into a new BAN at a 0.95% interest rate. The new note will be signed and funded on August 24, 2020.

**Approval of Minutes of Town Board Meeting of July 9, 2020:**

**RESOLUTION #1372020**  
**Approval of July 9, 2020 Minutes**

**RESOLVED**, to approve the minutes of July 9, 2020.

Motion by Councilwoman Morrison and seconded by Councilman Fedele.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAYS – 0

The Resolution was adopted on August 13, 2020.

**Supervisor's Report:**

Supervisor Kennan mentioned the LED sign at the American Legion Post #178. The Comprehensive Plan, as well as the sign law of the Town, do not permit LED signs. At the same time, following the State of Emergency which was declared by New York State as a result of COVID-19 pandemic, the Town is authorized to permit the Legion to light the sign. The sign conveyed important timely information to the community regarding helpful measures which people should be following such as the need for people to wear masks, to socially distance, to call their doctors if they feel ill, and how to reach Dutchess County's Coronavirus hotline. He thanked the Legion for its willingness to help in this way and for its commitment to turn the sign off when the State of Emergency has ended. Having considered this issue for a number of years, he believes it is time to get this behind us and find a way to permit and regulate it. The Legion has been going through channels asking for the sign to be permitted and in many other ways showed their value to the Millerton/North East community. He asked Town Attorney Replansky to present the Town Board with legal feasible options to permit the operation of this sign.

Councilwoman Morrison agreed and believed it was very informative to the community.

Councilman Midwood concurred and wants to see a way to see its use moving forward.

Councilman Fedele stated he has been struggling with this issue because he is a firm believer in the letter of the law but has respect for the Legion. The Legion said it has been a public-purpose sign and they have proved that in the last six months and extended thanks to the Legion.

Councilman Kaye stated he is a member of the Legion and should recuse himself from the discussion. He may make a comment in the future as a private citizen and not a Board member.

**Budget Adjustment** – There was no budget adjustment.

**Monthly Bills Abstract/Special Abstracts –**

**RESOLUTION #1382020**  
**Approval of Special Abstract Dated July 28, 2020**

**RESOLVED**, to approve Special Abstract, dated June 29, 2020, totaling \$10,840.26, broken down as follows:

A Fund -         \$3,859.73  
DB Fund -        \$6,980.53

Motion by Councilwoman Morrison and seconded by Councilman Kaye.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)  
NAYS – 0

The Resolution was adopted on August 13, 2020.

**RESOLUTION #1392020**  
**Approval of Abstract Dated August 13, 2020**

**RESOLVED**, to approve Abstract, dated August 13, 2020, totaling \$321,090.96, broken down as follows:

A Fund -                         \$46,546.77  
B Fund -                         \$235.00  
DB Fund -                        \$134,146.06  
Capital Projects H1-            \$138,361.25  
Special Grant Fund -            \$1,515.72  
Escrow T&A2 -                  \$122.50  
Payroll T&A -                    \$163.66

Motion by Councilman Kaye and seconded by Councilwoman Morrison.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)  
NAYS – 0

The Resolution was adopted on August 13, 2020.

**Voucher Committee for September 2020 –**

The Voucher Committee for September is Ralph Fedele and George Kaye.

**Public Comment:**

There were no comments from those in attendance via Zoom.

Bill Kish discussed concerns and questions about the cost of the 200 amp transfer switch and installation, the mandate by the governor that each town with a police department engage in a set of public processes to identify goals when the Town contracts with the Village for police services, and the confusion about what is being proposed by authorizing the Legion's use of its LED sign.

Councilman Kaye wanted to clarify a topic, brought up at the last meeting, about funds that were allocated for basketballs for a private group. This was not exactly the case. The Town Board approved the purchase of basketballs for the Town to be used by different groups. The Town would have control of those basketballs.

Supervisor Kennan mentioned the census is critically important to get an accurate count and the census workers will be going door-to-door in the next few weeks. There is pressure on the Town to get the word out to the people and the mailer has a section on the census to help in that effort.

**Adjournment:**

**RESOLUTION #1402020  
Adjournment of August 13, 2020 Meeting**

**RESOLVED**, to adjourn the meeting at 7:59 p.m.

Motion by Councilman Kaye and seconded by Councilman Midwood.

AYES – 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAYS – 0

The Resolution was adopted on August 13, 2020.

Respectfully submitted,

/s/

Gail J. Wheeler  
Town Clerk

Approved: 09/10/2020